

EXHIBIT D

“Lively’s subpoena to Google requesting information related to @WithoutACrystalBall appears to provide no context tying that account to the claims or defenses of the parties in this proceeding.

There is also no discussion regarding how the subpoena will overcome WOACB’s journalistic privilege, or how the requested information amounts to anything other than a simple fishing expedition meant to provide a basis for noticing a deposition that is likely to be set up as a distraction from the merits of the case.”

Graham Martin - Counsel
for Without A Crystal Ball